

MALDIVES 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Maldives is a multiparty constitutional democracy. In 2018 voters elected Ibrahim Mohamed Solih president. Observers considered the election mostly free and fair despite a flawed pre-election process, which was overseen by the former administration. Parliamentary elections held in April 2019 were well administered and transparent according to local and international observers.

Maldives Police Service is responsible for internal security and reports to the Ministry of Home Affairs. Maldives National Defence Force is responsible for external security and disaster relief and reports to the Ministry of Defence. Civilian authorities maintained effective control over the security forces. Members of the security forces reportedly committed some abuses.

Significant human rights issues included: independence of the judiciary; restrictions on free expression; interference with freedom of peaceful assembly and association; lack of accountability for violence against women; trafficking in persons; criminalization of same-sex sexual conduct; restrictions on workers' freedom of association; and reports that children engage in the worst forms of child labor, including in forced labor in domestic work and commercial sexual exploitation, each sometimes as a result of human trafficking.

The government took steps to investigate officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

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Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings during the reporting period.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities. The government took steps to investigate disappearances reported in previous years.

As of September the Presidential Commission on Enforced Disappearances and Deaths continues to investigate the 2014 disappearance of reporter Ahmed Rilwan. In December 2019 the Prosecutor General's Office (PGO) declined the commission's request to charge two individuals, Mohamed Mazeed and Samith Mohamed, for orchestrating Rilwan's abduction, citing a lack of evidence. The commission announced its intention to resubmit these cases to the PGO following further investigation. In August President Ibrahim Mohamed Solih announced his intention to hire an international investigator to assist in the commission's investigation at Rilwan's family's request, and in October the Commission confirmed such an expert had been hired and was assisting with its investigation, which was ongoing as of November.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and the law prohibit such practices, but there were complaints of torture and cruel, inhuman, or degrading treatment or punishment. The law permits flogging and other forms of corporal punishment, and security officials employed such practices. According to a 2014 Supreme Court guideline, the court must delay the execution of a flogging sentence of minors until they reach age 18. Between January and September, courts sentenced nine individuals.

The Human Rights Commission of Maldives (HRCM) reported receiving 28 complaints of torture, 17 accusing the Maldives Police Service (MPS), 10 accusing

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the Maldives Corrections Service (MCS) and one accusing employees of state run Kudakudhinge Hiya children's home, but none were forwarded for prosecution and some investigations were closed due to lack of evidence. In November 2019 the UN Special Rapporteur on Torture expressed concern regarding "near complete impunity" for officials accused of torture since 2013 and noted the PGO routinely dismissed torture cases citing lack of evidence indicating "either a grave systemic shortcoming in the investigative mechanisms put in place or a complete lack of political will to hold officials accountable."

In contrast to previous years, the MPS did take some action to charge or otherwise penalize officers accused of torture. In June the MPS and the PGO revealed that charges of assault and destruction of property were brought in November 2019 against eight police officers accused of beating a Bangladeshi suspect during a July 2019 police raid. The MPS began investigating the case in 2019 after video of the incident was posted online. The Criminal Court had not concluded hearings in the trial as of November.

In June the MPS dismissed three police officers and demoted one officer for assaulting a suspect in their custody in May 2019.

Prison and Detention Center Conditions

Prisons were overcrowded in some cases and lacked adequate sanitary conditions and medical care, but they generally met most international standards.

Physical Conditions: According to the Prisons and Parole Act, pretrial and remand detainees should be held separately from convicted prisoners, but this was not always done. The HRCM reported that in an MPS-operated Male Custodial Center and a Dhoonidhoo pretrial Detention Center, juveniles were held in separate cells but in proximity and view of cells that held adult suspects. The MCS oversaw the operation of four prison facilities: Asseyri Prison, Hulhumale Detention Center, Maafushi Prison, and Male Prison. The MCS also operated the MCS Ahuluveri Marukazu and the Male Ahuluveri Marukazu rehabilitation centers for inmates scheduled for parole, while the MPS operated Dhoonidhoo pretrial Detention Center and Male Custodial Center. The HRCM and defense lawyers reported overcrowding, poor ventilation, and inadequate hygiene and

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sanitation standards in prisons and pretrial detention facilities. In November the HRCM announced its intentions to take action against the MPS for failing to replace the drinking water at Dhoonidhoo pretrial Detention Center after observers found it was unfit for human consumption. Authorities held undocumented migrant workers awaiting deportation or legalization within the security perimeter of a facility that also held convicts. Although the law requires the Ministry of Home Affairs to designate a separate facility to hold remanded detainees on trial, the MCS continued to hold them in facilities that also hold convicted prisoners.

The law requires that the HRCM be informed immediately in the case of any deaths in state custody and be allowed to inspect the body prior to burial. Authorities implemented this provision.

The HRCM reported that the Presidential Prison Audit Commission noted that in Dhoonidhoo Custodial Center, Maafushi Prison, and Male Prison detainees were not allowed to leave their cells for an extended period of time unless they have a visitor. The HRCM reported authorities practice solitary confinement in some facilities, but no such cases were identified as of September.

The HRCM reported a lack of access to timely medical care in places of detention overseen by the MCS, with 47 complaints received from inmates as of September. Similar to reports in previous years, the HRCM noted extended delays among inmates seeking to consult specialist doctors. According to the MCS, doctors were stationed at three of the five detention facilities overseen by the MCS, and nurses were stationed at five. Inmates referred to specialist doctors sometimes spent six to seven months awaiting confirmation of appointments. Local hospitals did not reserve appointments for detainees seeking medical attention, leading to difficulties in obtaining timely specialist appointments for detainees.

Administration: Authorities conducted investigations into credible allegations of mistreatment, but nongovernmental organizations (NGOs) reported such investigations were lengthy and often did not result in successful convictions or punitive action against responsible officers.

Independent Monitoring: The government generally permitted regular and unannounced prison visits by the HRCM, so long as a presidentially appointed

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commissioner was present during the visit. The HRCM reported that it elected to conduct remote monitoring through online platforms for the majority of the year due to the COVID-19 outbreak. The HRCM provided recommendations to the government addressing deficiencies. The National Integrity Commission (NIC) reported that, although it has a legal mandate to enter detention facilities without prior approval, the MCS required a letter signed by a NIC commissioner before allowing access to NIC representatives. In contrast to previous years, MCS and MPS facilities no longer required a commission member, appointed by the president, to accompany the visits. The government generally permits visits by the International Committee of the Red Cross and Red Crescent and other international assessment teams with prior approval. No international observers visited any facilities as of September.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The constitution states an arrest may not be made unless the arresting officer observes the offense, has reasonable evidence, or has a court-issued arrest warrant. The Criminal Procedure Act allows police to arrest a person if a police officer has reason to believe a person has committed, is committing, or is about to commit an offense or may attempt to destroy evidence of a major crime. The MPS generally complied with arrest procedures when making arrests. The Anti-Terrorism Act (ATA) allows police to arrest terrorism suspects without an arrest warrant where there is probable and reasonable grounds to believe that a terrorism offense is imminent unless immediate action is taken. Civil society sources and defense lawyers reported the need to define properly “probable and reasonable grounds” within the law to avoid misuse of this provision. The law provides for an arrestee to be verbally informed immediately of the reason for arrest and to have the reason confirmed in writing within 12 hours of arrest.

Prisoners have the right to a ruling on bail within 36 hours, but lawyers reported

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bail is rarely considered by the courts. The law also requires that an arrestee be informed of the right to remain silent and that what the arrestee says may be used in a court of law. The law further provides that arrestees are to have access to a lawyer at the time of arrest. A lawyer may be appointed by the court in serious criminal cases if the accused cannot afford one. The law allows police to question a detainee in the absence of counsel if the detainee's lawyer does not appear within 12 hours without adequate reasons for the delay. Police normally informed the arrestee's family of the arrest within 24 hours. The law does not require that police inform the family of the grounds for the arrest unless the arrestee is younger than age 18, in which case a parent or guardian must be informed within four hours. ATA allows police to restrict private meetings with lawyers for suspects of terrorism offenses for a period of seven days from the time of arrest in situations where there is reasonable ground to believe private meetings may result in evidence tampering, committing a terrorist offense, physical harm to another or hinder the recovery of property obtained by committing a terrorism offense.

The law provides for investigative detention. A person detained for investigation is allowed one telephone call prior to police questioning. Once a person is detained, the arresting officer must present evidence to a court within 24 hours to justify continued detention. Based on the evidence presented, the prosecutor general has the authority to determine whether charges may be filed. If law enforcement authorities are unable to present sufficient evidence within 24 hours, the prisoner is eligible for release. Judges have the authority to extend detention upon receiving an arresting officer's petition but must cite factors such as the detainee's previous criminal record, status of the investigation, type of offense in question, and whether the detainee poses a threat if released. Defense lawyers reported that judges often accepted investigative authorities' claims that detainees posed a threat if released in order to issue detention orders, without clarifying the nature of the exact threat. Judges also reportedly often relied on confidential intelligence reports submitted by the MPS to justify extended detentions. These intelligence reports were not shared with the defense.

Arbitrary Arrest: The Criminal Procedure Act allows police to detain individuals for questioning for four hours, without the detention being classified as a formal

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arrest. There were no reports authorities misused this provision during the year.

Pretrial Detention: The MCS reported 258 pretrial or remand detainees were held in their facilities as of September, with some held for several years without a conviction. The MCS reported that, as of September, 70 percent of these detainees had not had a court hearing for seven months. Defense lawyers reported problematic issues with a criminal procedure policy to address the large percentage of pretrial or remand detainees. The policy requires an internal committee established within the PGO to review pretrial detention decisions by judges every 30 days and for the PGO to request the court to dismiss pretrial detention orders if the prosecutor general finds an insufficient need for detention. Lawyers reported the committee rarely recommended such dismissals, noting it is the PGO that initially requests such orders. The committee's decisions were not made public or shared with the suspect or courts. Some criminal court judges also reportedly tended to dismiss defense appeals of pretrial detention orders based on the argument that the policy required such cases to be submitted by the PGO.

In June the PGO appealed before the Supreme Court a High Court ruling that declared suspects must be held in custody for the duration of their trials if there is sufficient evidence the suspect committed the crime and if there is a presumption the accused may either destroy evidence or influence a witness; abscond; or poses a threat to public security. The PGO told media that the High Court ruling could result in suspects accused of even minor crimes having to be remanded for lengthy trial periods. The Supreme Court had not concluded hearings in this case as of November.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution and the Criminal Procedure Act stipulate conditions under which a person may be arrested or detained and provides everyone the right to appeal and the right to compensation for unlawful arrest or detention. The High Court routinely hears appeals of arrest warrants or pretrial detention orders, but defense lawyers claimed High Court judges continued to seek justification for upholding such orders rather than questioning the grounds and merits of detention and delayed verdicts until the authorized pretrial detention orders expire. The appellate courts did not accept appeals of detentions authorized for the duration of a trial already in progress, based on a 2012 High Court decision that ruled trial judges

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have discretionary authority to authorize detention of suspects for the duration of pending trials as well as on a 2009 Supreme Court ruling that decisions made by judges using discretionary authority may not be appealed.

Victims of unlawful or arbitrary arrest or detention may submit cases to the Civil Court to seek compensation, but they did not commonly exercise this right.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary was not completely independent or impartial, and was subject to influence. Lawyers reported continuing allegations of judicial impropriety and abuse of power, with judicial officials, prosecutors, and attorneys reportedly intimidated or bribed. Government officials, members of parliament, and representatives of domestic and international civil society organizations accused the judiciary of bias.

According to NGOs and defense lawyers, some magistrate judges could not interpret common law or sharia because they lacked adequate English or Arabic language skills. Many judges in all courts, appointed for life, held only a certificate in sharia, not a law degree. An estimated one-quarter of the country's judges had criminal records.

NGOs reported the Judicial Service Commission (JSC) had made positive strides in investigating allegations of judicial misconduct but noted investigations against some judges were lengthy. Some of these judges were allowed to remain on the bench and hear cases while under investigation by the JSC, raising concerns they could be intimidated to issue certain rulings to avoid punitive action from the JSC.

Trial Procedures

The constitution and the Criminal Procedure Act provide for the right to a fair and public trial, although the judiciary did not always enforce this right. The law provides that an accused person is presumed innocent until proven guilty. Most trials were public and conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. The constitution states defendants have a right to be informed of the charge without delay in a language understood by the

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defendant. The law states a defendant must be provided with a copy of the case documents within five days of charges being submitted to court. The law provides that an accused person has a right to be tried in person and have adequate time and facilities to prepare a defense. The constitution states the accused has the right not to be compelled to testify. The law provides the right to free assistance of an interpreter and governs trial procedures. Judges question the concerned parties and attempt to establish the facts of a case. Accused persons have the right to defend themselves and during a trial may call witnesses and retain the right to legal representation. Defendants and their attorneys have the right to full access to all evidence relating to their case, may cross-examine any witnesses presented by the state, and may present their own witnesses and evidence.

Islamic law, as interpreted by the government, is applied in situations not covered by civil law. The law provides for the right to legal counsel; those convicted have the right to appeal. The testimony of women is equal to that of men in court, except on rape (where the testimony of two male witnesses or four female witnesses is required) and other issues specifically stipulated by the country's legal code.

Political Prisoners and Detainees

There were no reports of political prisoners during the year.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through domestic courts, but lawyers reported victims rarely chose to do so due to a belief the court would rule in favor of the State. The Civil Court addressed noncriminal cases.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits security officials from opening or reading radio messages, letters, or telegrams, or monitoring telephone conversations, except as expressly

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provided by law. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so by a court during a criminal investigation. There were no reports that the government failed to respect these prohibitions during the year.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, except on religious matters, and the government generally respected this right. Civil society sources reported, however, that the government continued to fail to take action against online death threats and attacks against those perceived to be critical of Islam during the year, leading to journalists and NGOs practicing self-censorship on matters related to Islam.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. Criticism of the government and debates on societal problems were commonplace, but media did not question Islamic values or the government's policies on religion. Ministry of Youth, Sports, and Community Empowerment regulations prohibit publishing literary material without first seeking authorization from the National Bureau of Classification. The regulations define publication of literary material as "any writing, photograph, or drawing that has been made publicly accessible electronically or by way of printing, including publicizing or circulating on the internet."

The constitution prohibits utterances contrary to tenets of Islam or the government's religious policies.

Censorship or Content Restrictions: The Parliament Privileges Act allows authorities to force journalists to reveal their sources, but authorities did not routinely utilize this provision. NGO and journalist sources stated media practiced self-censorship on matters related to Islam due to fears of harassment from being labeled "anti-Islamic."

There were no known restrictions on domestic publications, nor were there

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prohibitions on the import of foreign publications or materials, except for those containing pornography or material otherwise deemed objectionable to Islamic values, such as Bibles and idols for worship. The restriction applies only to items for public distribution; tourists destined for resort islands were not prohibited from carrying Bibles and other religious items for their personal use.

In July several religious NGOs, scholars, and islands councils issued statements calling on the government to ban the women's rights NGO Uthema for "anti-Islamic" rhetoric used in its April *Shadow Report to the UN Committee on the Elimination of Discrimination Against Women*. The government had not, as of November, taken any action against Uthema.

Internet Freedom

The government generally did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority during the reporting period.

The Communications Authority of Maldives (CAM) is the regulatory body mandated to enforce internet content restrictions on sites hosted within the country and to block domestic access to any websites. CAM maintained an unpublished blacklist of all offending websites. Although CAM did not proactively monitor internet content, it accepted requests from ministries and other government agencies to block websites that allegedly violated domestic laws on anti-Islamism, pornography, child abuse, sexual and domestic violence, and other prohibitions. The MPS reported it was investigating one website and 14 distinct Twitter handles for "criticizing Islam" as of September.

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Academic Freedom and Cultural Events

The law prohibits public statements contrary to the government's policy on religion or the government's interpretation of Islam. In response to the law, there

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were credible reports that academics practiced self-censorship. The government censored course content and curricula. Sunni Islam was the only religion taught in schools.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The constitution provides for “freedom of peaceful assembly without prior permission of the State.” A 2013 law on peaceful assembly restricts protests outside designated areas, and a 2016 amendment to the law further restricts the designated areas for lawful protests in the capital city. Protesters must obtain prior written permission from the MPS to hold protests outside designated areas and from the Ministry of Home Affairs to hold protests within the designated area. Local civil society organizations continued to condemn the restrictions as unconstitutional. These provisions were seldom enforced by the government during the past two years, but a July statement by the Ministry of Home Affairs “reminded” the public of the restriction of nonauthorized protests. NGOs including Human Rights Watch noted the statement was released amidst a series of protests by foreign migrant workers concerning nonpayment of wages and expressed concern the statement was intimidating and indicated a lack of political will to address the exploitation of foreign migrant workers. The MPS also cited these provisions in the law on peaceful assembly, in addition to Health Protection Agency guidelines that temporarily restricted gatherings of more than 10 persons as a measure to control the spread of COVID-19, to disperse several protests organized by the political opposition between June and November. As of August the MPS’ use of force review committee had yet to announce any action taken following an investigation into the deployment of pepper spray by MPS officers to disperse opposition protesters gathered inside a hospital in February 2019.

Freedom of Association

The constitution provides for freedom of association, but the government imposed

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some limits on this freedom. The government allowed only clubs and other private associations that did not contravene Islamic or civil law to register.

NGOs continued to report that, although sporadically enforced, a 2015 associations regulation threatened their freedom of operation. The regulation requires human rights and other NGOs to seek government approval before applying for domestic assistance above 25,000 rufiyaa (\$1,630) or for any foreign assistance. The regulation also requires organizations to submit a membership registry to the government and grants the registrar of associations sweeping powers to dissolve organizations and enter organizations to obtain documents without a search warrant.

The Political Parties Act restricts registration of political parties and eligibility of state funds to those parties with 10,000 or more members. A 2016 amendment to the act requires all political parties to submit fingerprints with each membership application, legalizing a 2011 Elections Commission requirement. Forms without fingerprints would be considered invalid, and those persons would not be counted as members of a political party. Civil society organizations continued to express concerns that the law and subsequent amendments restricted the constitutional right to form and participate in political parties.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Authorities reported, however, that migrant workers who overstayed their visas were held in the Hulhumale Detention Center for weeks or sometimes years while awaiting the necessary travel documents from their governments prior to deportation. NGOs also reported concerns with a September High Court ruling declaring migrant workers who are arrested may not be released until they identify a local national willing to take responsibility for monitoring them until the conclusion of a possible

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trial.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Refoulement: The law obligates the state not to expel, return, or extradite a person where there is substantial evidence to believe the person would be in danger of being subjected to torture. The HRCM's sixth annual antitorture report investigating one case involving the government attempting to violate the principle of nonrefoulement in the case of one foreign detainee. The HRCM reported that its investigation was closed without action after the detainee died while in custody in August.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The parliamentary elections held in April were well administered and transparent according to Transparency Maldives and international election observers. Despite an assessment the overall election was well administered, Transparency Maldives highlighted some issues of concern including unverified reports of vote buying, lack of transparency in political financing, abuse of state resources and barriers for women's equal participation in

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the electoral process.

Political Parties and Political Participation: The political opposition maintains that opposition leader and former president Abdulla Yameen was convicted of money laundering in order to obstruct opposition activities in November 2019 and sentenced to five years' imprisonment. Civil society and international observers view the convictions as credible and appropriate. In November the political opposition submitted a complaint to the Elections Commission alleging the government was using restrictive measures introduced in relation to the COVID-19 outbreak, including prohibition of public gatherings of large groups to restrict unfairly its candidates from campaigning for head of local council elections scheduled to take place in 2021.

Participation of Women and Members of Minority Groups: No laws limit participation of women in the political process, and they did participate. Women's rights activists highlighted a lack of government and political party effort to encourage political participation of women. In March an individual filed a High Court case contesting the constitutionality of a December 2019 amendment to the Decentralization Act, which introduced a 33 percent quota for women in all local council, and the High Court had yet to reach a verdict as of November.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Nonetheless, officials sometimes engaged in corrupt practices with impunity and the government and judicial system have been slow to investigate and prosecute cases of corruption. Suspected cases of corruption in the judicial system also stymied the ability to provide additional oversight. There were isolated reports of government corruption during the year.

Corruption: The independent Anti-Corruption Commission has responsibility for investigating corruption charges involving senior government officials. According to NGOs, executive interference, a narrow definition of corruption in the law, and the lack of a provision to investigate and prosecute illicit enrichment limited the

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commission's work.

In 2018 President Solih established a Presidential Commission on Corruption and Asset Recovery to investigate corruption cases originating between 2012 and 2018. As of November the commission had not issued a public report of its findings.

Financial Disclosure: The constitution requires parliamentarians to submit annually to the secretary general of parliament a statement of all property owned, monetary assets, business interests, and liabilities. In July parliament revoked a July 2019 amendment that required the parliament secretariat to publish annual financial statements of the spouses and children of all parliamentarians. In September parliament published the annual financial statements of all sitting parliamentarians for the first time. The constitution also requires the president and each cabinet minister to submit a similar statement to the auditor general and for each judge to submit a similar statement to the JSC. It was unclear whether all officials submitted these statements, which do not require public disclosure. The law does not stipulate criminal or administrative sanctions for noncompliance and does not require the vice president to disclose income and assets.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. In July the Ministry of Youth, Sports and Community Empowerment released a statement cautioning registered NGOs against “actions that are detrimental to national security and national interests” after several NGOs expressed solidarity and called for the release of foreign migrant workers arrested during protests regarding nonpayment of wages. NGOs reported that, although the government did not take action against the NGOs, they found the statement intimidating.

NGOs reported that although sporadically enforced, a 2015 associations regulation

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threatened their freedom of operation. The regulation requires human rights and other NGOs to seek government approval before applying for domestic assistance above 25,000 rufiyaa (\$1,630) or for any foreign assistance. The regulation also requires organizations to submit a membership registry to the government and grants the registrar of associations sweeping powers to dissolve organizations and enter organizations to obtain documents without a search warrant.

Government Human Rights Bodies: The HRCM is a constitutionally recognized independent institution with a mandate to promote and protect human rights under the constitution, Maldivian Islamic law, and regional and international human rights conventions ratified by the country. NIC is a constitutionally recognized independent institution with a mandate to investigate allegations of human rights abuses by law enforcement agencies and employees, and it has the authority to forward any cases with criminal elements to police for further investigation. During the year the government appointed new members to both the HRCM and NIC after former members either resigned or were dismissed following parliamentary investigations into allegations the members were biased towards the former government. In previous years both the ruling coalition and NGOs had questioned the independence of both institutions. In July the president appointed the country's first Child Rights Ombudsman, tasked with monitoring implementation of the Child Rights Protection Act. The ombudsman had not issued any reports as of September. Child Rights NGOs reported they had not interacted with the ombudsman as of September, and highlighted the need for the ombudsman to have enough resources to fulfill his office's mandate.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape against both men and women, as well as spousal rape and domestic violence including physical, sexual, verbal, psychological, and financial abuse. The law also extends protection to wives against being forcibly impregnated by their husbands and includes an

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extensive list of other abuses for which protection is provided. The law allows courts to issue restraining orders in domestic violence cases and criminalizes any actions against these orders. A man may be convicted of rape in the absence of a confession only if there are two male witnesses or four female witnesses willing to testify. In the case of a child, the burden of proof is lower. Penalties if convicted range from four months' to 10 years' imprisonment, depending on factors such as the age of the victim.

NGOs and other authorities reported MPS officers were reluctant to make arrests in cases of violence against women within the family. Reportedly, this made victims reluctant to file criminal cases against abusers. While the MPS received 842 reports of domestic violence as of September, the MPS conducted investigation into only 342 and recommended charges in only 33 cases. Of these 33 cases, charges were brought in just three cases as of September. While the MPS received 95 reports of rape and sexual assault as of September, the MPS conducted investigations into 74 complaints and recommended charges in only 10 cases. Of these 10 cases, charges were raised in just two as of September. Human rights activists staged a series of protests in Male throughout the year to express concern regarding inadequate investigations of rape and child sexual abuse cases and the impunity of offenders.

The Ministry of Gender, Family, and Social Services received reports of rape, sexual offenses, and domestic violence and conducted social inquiry assessments of cases it submitted to the MPS. It also provided psychological support to victims during MPS investigations.

To streamline the process of reporting abuses against women and children, the Ministry of Gender, Family, and Social Services operates family and children's service centers on every atoll. Residential facilities were established in only four of the centers to provide emergency shelter assistance to domestic violence and other victims. Authorities and NGOs both reported the service centers remained understaffed and under resourced, especially lacking budgets to travel to attend cases in islands. Staff employed at the centers lacked technical capacity and were forced to divide their time between administrative duties and casework.

Female Genital Mutilation/Cutting (FGM/C): No cases of FGM/C were

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reported to government authorities during the year. Some religious leaders have intermittently called to revive the practice since 2014 and in November, a popular individual associated with a religious NGO reportedly called for a resumption of female circumcision. In January the Minister of Health ordered the Health Protection Agency to revoke a request submitted to the Fatwa Majlis, the statutory body mandated to resolve differences of opinion on religious matters, seeking its opinion on Islam's stance on female circumcision. This followed criticism of the request by Maldivians on social media, who argued the request would set a dangerous precedent by allowing religious scholars to police women's bodies. The minister noted, "female circumcision is not part of government policy and is not encouraged, so there is no need to seek any advice on the matter." NGOs expressed concern the government failed to publicly denounce or counter calls for revival of female circumcision.

Other Harmful Traditional Practices: A 2015 amendment to the penal code states only Maldivian Islamic law penalties may be imposed for *hadd* (robbery, fornication, homosexual acts, alcohol consumption, apostasy) and *qisas* (retaliation in kind) offenses. Penalties could include hand amputation for theft and stoning to death for adultery, though this was not enforced.

Sexual Harassment: The law bans sexual harassment in the workplace, detention facilities, and any centers that provide public services. NGOs reported that while the law requires all government offices to set up sexual harassment review committees, a significant number of government offices had failed to establish these committees or in cases where the committees had been set up, employees were unaware of their existence.

The MPS reported forwarding two out of a total 63 received cases of sexual harassment for prosecution. President Solih dismissed Minister of Tourism Ali Waheed after multiple ministry employees accused him of sexual harassment. The MPS launched an investigation against Waheed on suspicion of sexual harassment and assault and in October asked the PGO to file charges against him in October. The PGO had yet to raise official charges as of November.

Reproductive Rights: Married couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive

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health; and to have the information and means to do so, free from discrimination, coercion, and violence. Nevertheless, extramarital sex is criminalized and childbirth out of wedlock is stigmatized.

Limited public information on reproductive health services was available for unmarried individuals. Health-care facilities generally provided reproductive health services only to married couples. A centralized system of health-care provision is a significant barrier to access for health-care services on islands outside the capital region. Men tended to influence or control reproductive health decisions of women, often based on religious and cultural beliefs. Studies published by the United Nations Population Fund in 2018 and 2020 stated that youth access to reproductive health information and services was especially limited and that cultural attitudes prevented youth from accessing what limited services were available from health facilities.

NGOs reported that the government provided access to emergency contraceptives for sexual violence survivors.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law prohibits gender discrimination including in workplaces, educational institutions, and service providers, such as hospitals, but discrimination against women remained a problem. Women's rights activists reported that women who initiated divorce proceedings faced undue delays in court as compared with men who initiated divorce proceedings. According to women's rights activists, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law.

Children

Birth Registration: Citizenship is derived through one's parents. Under the law a child born of a citizen father or mother, regardless of the child's place of birth, may derive citizenship. The Ministry of Gender, Family, and Social Services reported receiving cases a lower number of cases where parents had neglected to register their children than in previous years. Unlike in previous years, NGOs reported no

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known cases of the Family Court refusing to register children born to couples whose marriage ceremony was held outside of the country.

Education: Education is free, compulsory, and universal through secondary school. The Ministry of Gender, Family, and Social Services handled 18 cases of children being deprived of education as of September, a lower number than in previous years. NGOs stated this included parental refusal to send children to school, in some cases based on religious reasons. NGOs and activists noted the effect of religious extremism on child rights was an emerging issue but lacked a baseline study determining its prevalence. NGOs reported receiving reports that some families wanting to keep children out of the formal education system for religious reasons used COVID-19 related school closures to deprive children from school attendance for periods of time. NGOs reported a 2018 Ministry of Education report revealed that, while more girls were enrolled in primary schools than boys, there were more boys enrolled in secondary schools than girls. The report attributed this discrepancy to the possibility that some girls are home schooled from lower secondary school age on, but NGOs noted no formal studies have been made to identify the real cause.

Child Abuse: The law stipulates sentences of up to 25 years' imprisonment for conviction of sexual offenses against children. The courts have the power to detain perpetrators, although most were released pending sentencing and allowed to return to the communities of their victims. The MPS investigates and the Ministry of Gender, Family, and Social Services is in charge of following up on reports of child abuse, including cases of sexual abuse. More than 70 percent of the total cases received by the Ministry of Gender, Family, and Social Services as of September were cases of child abuse, the majority involving sexual abuse. Of the child abuse cases received by the MPS, 43 percent were also sexual abuse cases, with the MPS forwarding only 18 percent of these cases for prosecution as of September. The PGO had only proceeded with charges in 14 percent of these cases. Human rights activists staged a series of protests in Male throughout the year expressing concern regarding inadequate investigation of rape and child sexual abuse cases and impunity of offenders. Human rights activists reported the lack of effective coordination of authorities handling child abuse cases, delays in attending to reports of abuse, and a lack of standard operating procedures to handle

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child abuse cases remained a problem.

NGOs reported authorities failed consistently to use the online child rights' case management system through which various authorities can monitor progress and actions taken by other authorities on child abuse cases. NGOs noted widespread awareness of the existence of the Ministry of Gender's Child Rights Helpline, but that victims faced challenges in reaching the helpline during a COVID-19 related lockdown of Male when many vulnerable families used the helpline to reach Ministry officials seeking assistance for matters unrelated to cases of child abuse.

Child, Early, and Forced Marriage: The Child Protection Act, which came into force in February, prohibits any marriage of a child under age 18. Previously, marriage of children age 16 was allowed with authorization from the Supreme Court and based on an assessment conducted by the Ministry of Gender. The Supreme Court had not authorized child marriages for years, however. While NGOs lauded the prohibition of all marriages of children, they also reported concerns that the prohibition would lead to an increase of child marriages outside the legal system and reported anecdotal evidence that some child marriages were still being conducted outside of the legal system. Girls reportedly often quit school following such marriages. In December 2019 the PGO raised charges of sexual abuse against a man who entered into marriage with a child outside of the legal system, but the criminal court had yet to conclude hearings in the case as of November. The case was related to late 2019 and early 2020 police raids on a group of religious fundamentalists active on Raa Maduvvari Island. The government reported some individuals in the group had entered into unregistered, unlawful marriages with girls.

Sexual Exploitation of Children: The Child Rights Protection Act prohibits using, procuring, and offering children for pornographic performances. Conviction of the crime is punishable by five to 25 years' imprisonment. The act stipulates that a child between ages 13 and 18 involved in a sexual act is deemed not to have given consent, "unless otherwise proven." The law also treats the prostitution of children by a third party as a form of human trafficking with exploitation under the Prevention of Human Trafficking Act, subject to a 15-year maximum sentence if convicted. The penal code allows the Prosecutor General's Office to file multiple charges against a perpetrator for a single offense. Regarding sex trafficking, the

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office may file charges for human trafficking under the Prevention of Human Trafficking Act and for prostitution under the Child Rights Protection Act and aggregate the penalties so perpetrators serve longer sentences for a single offense. As of August the MPS investigated four cases of child pornography, and forwarded one for prosecution. It also investigated two reports of child prostitution but closed both after finding no evidence of any prostitution. The Ministry of Gender, Family, and Social Services and NGOs reported that, although there have been no confirmed reports of child sex tourism, government authorities lack the capacity to monitor the guesthouse tourism sector in remote islands. NGOs reported knowledge of children being transported among islands for sex tourism and prostitution and reported increased concerns regarding the government's continued inability properly to monitor guesthouses, especially in Male, being used for child prostitution. NGOs reported concerns authorities only take action against the individuals involved in such cases without taking steps against guesthouse operators.

Institutionalized Children: Local NGO Advocating the Rights of Children (ARC) released a report in 2016 detailing abuses in government-run "safe homes." ARC reported children routinely spent many months at these homes, although they were intended to be temporary stopovers for children being taken into state care. According to ARC, the safe homes were inadequately furnished and equipped, lacked basic essentials, and were often understaffed, resulting in inadequate care, protection, and education for institutionalized children. NGOs reported these concerns remained the same during the year. The Ministry of Gender, Family, and Social Services reported one of the two government-run children's homes housed more children than its capacity allowed. NGOs reported staff were untrained to care for several children with autism housed in these facilities. The country lacked a juvenile detention center, so youth offenders were held with juvenile victims of abuse. NGOs reported continuing inadequate supervision of the children by overstretched workers. NGOs also reported that some children taken into state custody were held in social housing units that had not been officially designated as facilities for such children and did not meet established standards. The HRCM reported it received a report in 2019 alleging 10 employees of Kudakudhinge Hiya children's home mistreated 22 children living in the home. It chose not to investigate, however, because the alleged offense took place more than a year prior

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to reporting, and it proved challenging to gather evidence and information.

NGOs reported the multiagency panel that reviewed and made decisions on taking children into state custody and moving them among facilities was dissolved between March and September. During this period the Ministry of Gender acted unilaterally to transfer children with behavioral issues out of the children's homes, some either returned to families without the ability to care for their specific needs or moved to in outer atolls with little supervision.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The public practice of religion other than Islam is prohibited by law, and the government did not provide estimates on the number of Jewish residents in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and law provide for the rights and freedom from most types of discrimination for persons with disabilities. Although the constitution provides for freedom from discrimination in access to employment for persons with disabilities, the Disabilities Act does not do so. The Disabilities Act provides for the protection of the rights of persons with disabilities as well as financial assistance. The act mandates the state to provide a monthly financial benefit of not less than 2,000 rufiyaa (\$130) to each registered individual. NGOs reported the National Social Protection Agency (NSPA), which handles the National Registry, has strict

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conditions and a cumbersome screening process that prevent the majority of persons with disabilities from being registered. The NSPA requires an assessment from a medical center in Male City, which may cost up to 40,000 rufiyaa (\$2,600) for some families living in the islands who have to travel and stay in Male City for lengthy periods while the assessment is completed. During the year the government authorized a limited number of medical centers outside Male City to conduct the assessments, which reduced the cost in some limited cases. In January, the NSPA began covering 5,000 rufiyaa (\$324) of assessment-related costs. The NSPA published the requirements for inclusion in the National Registry and rejected several applications. NGOs noted inclusion on the registry is a precondition to access several other benefits provided for persons with disabilities, including priority in accessing social housing schemes and special accommodations during voting.

Although no official studies have been concluded, NGOs which operate throughout the country estimated as much as 10 percent of the total population of persons with disabilities had been subjected to various forms of abuse and 40 to 60 percent of girls or women with disabilities, especially those who are visually impaired, were subject to sexual abuse. The families of these victims often do not report these cases to authorities, because the police investigation and judicial process is inaccessible to persons with disabilities.

Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities and logistical challenges related to transporting persons with disabilities among islands and atolls made it difficult for persons with disabilities to participate in the workforce or consistently attend school. The vast majority of public streets and buildings were not accessible for wheelchair users.

The government integrated students with disabilities into mainstream educational programs at primary and secondary level. Most large government schools also held special units catering to persons with disabilities who were not be accommodated in the mainstream classes. Nonetheless, children with disabilities

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had virtually no access to transition support to higher secondary education.

Members of National/Racial/Ethnic Minority Groups

Maldives Immigration reported approximately 117,000 legal foreign workers as of September, with an additional estimated 63,000 undocumented foreign workers, mostly from Bangladesh and other South Asian countries. NGOs reported government agencies implemented discriminatory policies towards foreign laborers while Bangladeshi workers faced harassment and violence by local citizens.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits same-sex sexual conduct. Under the penal code, the punishment for conviction includes up to eight years' imprisonment and 100 lashes under Maldives Islamic law. None of the legal provisions prohibiting discrimination covers discrimination based on sexual orientation or gender identity. No organizations focused on lesbian, gay, bisexual, transgender, and intersex (LGBTI) problems in the country. There were no reports of officials complicit in abuses against LGBTI persons, although societal stigma likely discouraged individuals from reporting such problems. Local citizens who expressed support for LGBTI rights on social media reportedly were targeted for online harassment as “apostates” or irreligious. In June groups of protesters gathered outside the residences of two men on two separate islands, accusing the men of engaging in same-sex relations. Media reported the men were taken into police custody on both occasions.

Other Societal Violence or Discrimination

The trial of six men arrested in 2017 and charged in connection with the murder of Yameen Rasheed, a prominent blogger and social media activist, continued during the year. NGOs reported online death threats and attacks against citizens perceived to be critical of Islam continued and NGOs reported the government failed to take

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action in these cases.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for workers' freedom of association; however, there is no specific law protecting the right to freedom of association, which is required to allow unions to register and operate without interference and discrimination. As a result the court system refused to recognize trade unions officially. Worker organizations are usually treated as civil society organizations or associations without the right to engage in collective bargaining. Police and armed forces do not have the right to form unions. The Freedom of Peaceful Assembly Act effectively prohibits strikes by workers in the resort sector, the country's largest money earner. Employees in the following services are also prohibited from striking: hospitals and health centers, electricity companies, water providers, telecommunications providers, prison guards, and air traffic controllers. The Home Ministry enforces the act by arresting workers who go on strike, but there were no such arrests during the year.

The government did not always enforce applicable laws. Resources, inspections, and remediation were inadequate, and penalties were not sufficient to deter violations. The Labor Relations Authority (LRA) is mandated to oversee compliance of the Employment Act and its related regulations. The Employment Tribunal examines and adjudicates legal matters arising between employers and employees and other employment problems, but its processes are cumbersome and complicated. In addition, because the LRA does not regularly screen labor violations such as nonpayment of wages for elements of trafficking, the Employment Tribunal adjudicates some potential trafficking cases. Violators who refused to correct violations or pay fines were referred to the courts, whose decisions often were ignored. The cases are heard in the Dhivehi language, which few foreign workers understood. Foreign workers may not file a case with the tribunal unless they appoint a representative to communicate for them in the local language. If an employer fails to comply with a decision of the tribunal, the case must be submitted to the Civil Court, which often delays decisions. The Tourism

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Employees Association of Maldives (TEAM) reported the judicial system continued to delay final decisions on numerous such cases, some older than age six. The Employment Tribunal only hears cases submitted within three months for cases involving unfair dismissals and within six months of the alleged offense for all other violations of the Employment Act. A 2018 amendment to the Employment Tribunal regulation that states dismissed or withdrawn appeals may only be resubmitted once, after paying a monetary fine, was still in place. Previously there was no restriction on the number of times such cases could be resubmitted.

Under the law some workers' organizations were established as civil society organizations, specifically in the tourism, education, health, and shipping (seafarers') sectors, although these functioned more as cooperative associations and had very limited roles in labor advocacy. The Teachers Association of the Maldives (TAM), TEAM, and the Maldives Trade Union Congress, an umbrella organization formed by TEAM, TAM, Maldivian Ports Workers, and Maldives Health Professionals Union were among the more active workers' organizations.

b. Prohibition of Forced or Compulsory Labor

All forms of forced or compulsory labor are prohibited, but the government did not effectively enforce applicable laws.

Resources, inspections, and remediation were generally inadequate, and penalties were not sufficient to deter violations. The foreign worker population, especially migrant workers from Bangladesh, were particularly vulnerable to forced labor in the construction industry, as were Sri Lankan and Indian women engaged in domestic work. Maldives Immigration detained undocumented workers at Hulhumale Detention Center, an immigration-processing center near Male, until deportation or repatriation. There were continued reports of bureaucratic delays in receiving passports from foreign missions for undocumented immigrants and substandard facilities at the immigration-processing center. Maldives Immigration reported it did not have in place any mechanisms to screen workers for victims of trafficking prior to repatriation, and there were reports some of the detained and deported undocumented workers should have been identified as trafficking victims. In April the Ministry of Economic Development announced a program to repatriate

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undocumented workers and had repatriated more than 15,000 workers as of November. Authorities report these workers were not screened for human trafficking.

Under the penal code, conviction of forced labor carries a penalty of up to eight years' imprisonment. Under section 29 of the Maldives Prevention of Human Trafficking Act, confiscation, alteration, or withholding of identity and travel documents is a crime, and convicted perpetrators are subject to up to five years' imprisonment. In 2015 parliament approved the *National Action Plan to Combat Trafficking in Persons for 2015-19*. The penalty for conviction of human trafficking is a maximum sentence of 10 years' imprisonment. As of September the MPS and Maldives Immigration reported they were continuing to investigate more than 35 labor recruiters or agencies allegedly engaged in fraudulent practices. In July the MPS launched an investigation into a construction company on suspicion the company "carried out forced labor and acts of exploitation against foreigners, acted in a manner that has led to human trafficking, failed to make payment of fees required to be paid to the government on behalf of these workers and violated the rights of these workers." The investigation was ongoing as of November. Employee associations continued to report concerns the alleged traffickers were deported with no further action or attempts to identify local traffickers who worked with them to traffic victims.

The LRA, under the Ministry of Economic Development, recommended to the ministry and Maldives Immigration the blacklisting of companies that violated the law, precluding the companies from hiring in additional workers until violations were rectified. The LRA reported, however, that the Ministry of Economic Development and Maldives Immigration did not always take its recommendations to blacklist and allowed companies to continue operations. In addition to blacklisting, the law allows a fine for forced labor and other violations of the Employment Act, but the LRA reported this amount was not sufficient to deter violations by large companies and were not commensurate with other analogous serious crimes which carried sentences of imprisonment.

As of August Maldives Immigration reported the number of documented foreign workers at approximately 117,000. It estimated an additional 63,000 undocumented foreign workers in the country, predominantly men from

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Bangladesh and other South Asian countries. Some of the foreign workers in the country were subject to forced labor in the construction and tourism sectors. Both the LRA and NGOs noted a continuing trend of resorts hiring third party subcontractors to work in departments such as maintenance, landscaping, and laundry services. These subcontractors reportedly hired undocumented migrant workers who received a lower salary, work longer hours, and often experience delays in payment of salaries and work without a legal employment contract. Most victims of forced labor suffered the following practices: debt bondage, holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, or not being paid at all. Domestic workers, especially migrant female domestic workers, were sometimes trapped in forced servitude, in which employers used threats, intimidation, and in some cases sexual violence to prevent them from leaving.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and sets the minimum age for employment at 16, with an exception for children who voluntarily participate in family businesses. The law prohibits employment of children under age 18 in “any work that may have a detrimental effect on health, education, safety, or conduct,” but there was no list of such activities. The law prescribes a monetary fine for infractions.

The Ministry of Gender, Family, and Social Services, the Ministry of Economic Development, and the Family and Child Protection Unit of the MPS are tasked with receiving, investigating, and taking action on complaints of child labor. According to the LRA, the MPS and the Ministry of Gender, Family, and Social Services none of the complaints received related to child labor or employment of minors, but the MPS and Ministry of Gender received reports of children engaged in the worst forms of child labor such as being used for the purpose of commercial sexual exploitation and the transport of drugs for criminal gangs. NGOs reported children were also engaged in forced labor in domestic work. The LRA found no cases of child labor during its regular labor inspections during the year. Resources,

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inspections, and remediation were inadequate, because no additional resources were dedicated specifically to uncover additional child labor cases. The penalties for commercial sexual exploitation of children were commensurate with those of other serious crimes, and the Child Rights Protection Act criminalizes the child exploitation including the use of children to sell drugs with penalties for conviction of imprisonment.

Government officials and civil society groups continued to report concerns that some Bangladesh migrant workers in the construction and service sectors were under 18 but possessed passports stating they were older.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination with respect to employment and occupation based on race, color, sex, political opinion, religion, social origin, marital status, or family obligations. The government generally enforced those laws and regulations, with some exceptions that included unequal pay for women and discrimination in working and living conditions of foreign migrant workers, especially from Bangladesh.

According to NGOs, no policies were in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law. The law and constitution prohibit discrimination against women for employment or for equal pay or equal income, but women tended to earn less than men for the same work and also because they tended to work in lower-paying industries. The absence of child-care facilities made it difficult for women with children to remain employed after they had children.

The Employment Act establishes an Employment Tribunal to examine and protect the rights of employers and employees in legal matters and other employment

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problems.

Discrimination against migrant workers was pervasive (see section 7.b.).

e. Acceptable Conditions of Work

The country does not have a national policy on minimum wage. Wages in the private sector were commonly set by contract between employers and employees and were based on rates for similar work in the public sector.

The law establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for workplace safety. Civil servants are allowed six months of maternity leave and one month's paternity leave. The law provides for a 48-hour per week limit on work with a compulsory 24-hour break if employees work six days consecutively. Certain provisions in the law, such as overtime and public-holiday pay, do not apply to emergency workers, air and sea crews, executive staff of any company, and workers who are on call. Employee associations reported some government schools and hospitals placed a cap on overtime pay. The law mandates implementation of a safe workplace, procurement of secure tools and machinery, verification of equipment safety, use of protective equipment to mitigate health hazards, employee training in the use of protective gear, and appropriate medical care, but there were no national standards for safety measures, and as a result such measures were at the discretion of employers. The LRA also reported difficulties in assessing safety standards during inspections due to the lack of national standards. Safety regulations for the construction industry which requires employers to provide employees with safety equipment such as helmets, belts, and masks, but NGOs reported the government failed to monitor implementation of these standards. All employers are required to provide health insurance for foreign workers.

In 2013 parliament approved the country's accession to eight core International Labor Organization conventions, but the government had not finalized the bills required for the conventions to be legislated into domestic law as of September.

The LRA and Employment Tribunal are charged with implementing employment law, and the LRA conducted workplace investigations and provided dispute

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resolution mechanisms to address complaints from workers. The most common findings continued to be related to lack of or problematic provisions included in employment contracts and job descriptions, overtime and other pay, and problems related to leave. The LRA preferred to issue notices to employers to correct problems, because cases were deemed closed once fines were paid. The LRA typically gave employers one to three months to correct problems but lacked sufficient labor inspectors and travel funding to enforce compliance. The government effectively enforced overtime laws. Penalties were commensurate with those for similar crimes, such as fraud.

Migrant workers were particularly vulnerable to exploitation, worked in unacceptable conditions, and were frequently forced to accept low wages to repay their debts with employment agencies, especially within the construction sector. The LRA reported more than 60 percent of the complaints it received were submitted by foreign migrant workers. Between April and August, hundreds of foreign migrant workers employed by several construction companies separately staged protests regarding nonpayment of wages. In July the MPS launched an investigation into one of these companies on suspicion the company “carried out forced labor and acts of exploitation against foreigners, acted in a manner that has led to human trafficking, failed to make payment of fees required to be paid to the government on behalf of these workers and violated the rights of these workers.” The investigation was ongoing as of November.

Migrant workers are treated harshly and the COVID-19 pandemic compounded this. Migrants experienced abuses from employers, including deceptive recruitment practices, wage theft, passport confiscation, unsafe living and working conditions, and excessive work demands, which indicate forced labor and violate domestic and international standards. The spread of COVID-19 and the lockdown to contain it exacerbated these conditions, as workers face job loss, unpaid leave, reduced salaries, and forced work without pay.

NGOs expressed concern that senior government officials made statements characterizing the protests as “a threat to national security,” indicating a lack of political will to address the exploitation of foreign migrant workers. In July the Ministry of Youth, Sports, and Community Empowerment released a statement cautioning registered NGOs against “actions that are detrimental to national

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security and national interests” after several NGOs expressed solidarity and called for the release of workers arrested during the protests. Female migrant workers, especially in the domestic service sector were especially vulnerable to exploitation. Employers in the construction and tourism industry often housed foreign workers at their worksites or in cramped labor quarters.

The Maldivian Red Crescent reported their inspection of labor quarters in Male found each quarter housed approximately 200 workers, with six to seven individuals sharing rooms of 100 square feet; in some locations, workers were forced to sleep in bathrooms or on balconies due to a lack of space. Most buildings also lacked adequate space for cooking and posed safety risks due to being structurally unsound. In April the government introduced regulations, which came into force in October setting standards for employer provided accommodations for foreign migrant workers for the first time. Inspectors have the authority to make unannounced inspections and initiate sanctions. Some migrant workers were exposed to dangerous working conditions, especially in the construction industry, and worked in hazardous environments without proper ventilation. The LRA, mandated to oversee compliance of the Employment Act and its related regulations, has the authority to conduct unannounced inspections recommended to the ministry and Maldives Immigration, and to blacklist companies that violated the law precluding companies from hiring additional workers until violations were rectified. The LRA reported, however, that the Ministry of Economic Development and Maldives Immigration did not always take their recommendations to blacklist and allowed companies to continue operations. In addition to blacklisting, the law allows a monetary fine for forced labor and other violations of the Employment Act, but the LRA reported this amount was not sufficient to deter violations by large companies. The LRA discontinued inspections during a COVID-19 lockdown in capital Male between April and September. The country does not have a general occupational health and safety law, but certain industries have compiled their own standards and regulations. There were no reports the government took any action under health and safety regulations during the year. During the year there were multiple accidents at construction sites in Male, including the death of a migrant worker who fell from the 14th floor of a construction site in Male in July. In September the High Court rejected the appeal against the managing director of a construction company who

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was acquitted in 2019 on charges of negligent homicide raised in relation to the 2018 death of a young girl struck by a cement bag that fell from a construction site. The Employment Act protects workers who remove themselves from situations that endanger health or safety without jeopardy to their employment.